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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,650	02/02/2004	Robert W. Haight	60607-300602	1593

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INTELLECTUAL PROPERTY LAW OFFICES
1901 S. BASCOM AVENUE, SUITE 660
CAMPBELL, CA 95008

EXAMINER

WEST, LEWIS G

ART UNIT PAPER NUMBER

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/770,650

Applicant(s)

HAIGHT ET AL.

Examiner

Lewis G. West

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1 paper.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

Response to Arguments

Applicant's arguments filed February 27, 2007 have been fully considered but they are not persuasive.

Regarding the embedded hyperlink, the actual electronic link is not the issue, but the fact that it refers information which is dynamic and could drastically change or cease to exist, changing the specification of the patent. Therefore such links must be removed from patent applications.

Regarding Gaucher, it is clearly shown that the system includes a first and second signal. Network box 16 is an exciter, in that it induces a communication signal, the "second signal" per the claim language, into the wiring which is absolutely analogous to the claimed invention. The first signal coming from either the other devices back to the main computer or from the main computer itself which are then excited onto the network by network box 16.

Specification

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Gaucher (US 6,175,860 B1).

Regarding claim 23, Gaucher discloses a communication system comprising:

A hub for communicating at least one first signal and at least one second signal, converting the first signal into a radio frequency with an appropriate format and transmitting the first signal to conductive elements via an exciter, (Col. 5 lines 29-35)

A probe for receiving the first signal, converting the first signal into the second signal and transmitting the second signal to the hub via the exciter, (Col. 5 lines 36-60)

wherein the conductive elements are conductive members selected from a conductive framework, electrical wires, metal walls or any combination thereof; (Col.4 lines 48-51)

and the conductive elements receive the second signal from the probe and transmit the second signal to the exciter. (Col. 5 lines 36-60)

Regarding claim 24, Gaucher discloses the system as recited in claim 1, wherein the hub includes at least one of a diplexer, a power amplifier, a transmitter, a receiver, a frequency converter, a modem, a security controller, and a network processor. (Col. 4 lines 59-31)

Regarding claim 25, Gaucher discloses the system recited in claim 2, wherein the security controller processes signals from a camera or another hub comprising a receiver and a transmitter. (Col. 5 lines 19-27)

Regarding claim 26, Gaucher discloses the system as recited in claim 1, wherein at least one of the first signal and the second signal are at a radio frequency between 0.5-100 MHz. (Col 4 lines 6-13)

Regarding claim 27, Gaucher discloses the system as recited in claim 2, wherein at least one of the first signal and the second signal includes information from at least one of a satellite television, a cable television, an Internet provider, a computing device, a phone provider, a DVD player, a television, a DSL and LAN. (Col. 4 lines 48-65)

Regarding claim 28, Gaucher discloses the system of claim 1, wherein the hub is connected to another hub by a hard wire or wirelessly. (Col. 4 lines 48-65)

Regarding claim 29, Gaucher discloses a communication method comprising the steps of communicating at least one first signal and at least one second signal, converting the first signal into a radio frequency with an appropriate format and transmitting the first signal to conductive elements via an exciter, (Col. 5 lines 29-35)

receiving the first signal, converting the first signal into the second signal and transmitting the second signal to the hub via the exciter, (Col. 5 lines 36-60)

wherein the conductive elements are conductive members selected from a conductive framework, electrical wires, metal walls or any combination thereof; (Col.4 lines 48-51)

and the conductive elements receive the second signal from the probe and transmit the second signal to the exciter. (Col. 5 lines 36-60)

Regarding claim 30, Gaucher discloses the method as recited in claim 7, wherein the hub includes at least one of a diplexer, a power amplifier, a transmitter, a receiver, a frequency converter, a modem, a security controller, and a network processor. (Col. 4 lines 59-31)

Regarding claim 31, Gaucher discloses the method recited in claim 8, wherein the security controller processes signals from a camera or another hub comprising a receiver and a transmitter. (Col. 5 lines 19-27)

Regarding claim 32, Gaucher discloses the method as recited in claim 7, wherein at least one of the first signal and the second signal are at a radio frequency between 0.5-100 MHz. (Col 4 lines 6-13)

Regarding claim 33, Gaucher discloses the method as recited in claim 7, wherein at least one of the first signal and the second signal includes information from at least one of a satellite television, a cable television, an Internet provider, a computing device, a phone provider, a DVD player, a television, a DSL and LAN. (Col. 4 lines 48-65)

Regarding claim 34, Gaucher discloses the method of claim 7, wherein the hub is connected to another hub by a hard wire or wirelessly. (Col. 4 lines 48-65)

Regarding claim 35, Gaucher discloses a hub utilizing for a communication system, wherein the hub for communicating at least one first signal and at least one second signal, converting the first signal into a radio frequency with an appropriate format and transmitting the first signal to conductive elements via an exciter, (Col. 5 lines 29-35)

wherein the communication system includes a probe for receiving the first signal, converting the first signal into the second signal and transmitting the second signal to the hub via the exciter, (Col. 5 lines 36-60)

wherein the conductive elements are conductive members selected from a conductive framework, electrical wires, metal walls or any combination thereof; (Col.4 lines 48-51)

and the conductive elements receive the second signal from the probe and transmit the second signal to the exciter. (Col. 5 lines 36-60)

Regarding claim 36, Gaucher discloses the system as recited in claim 13, wherein the hub includes at least one of a diplexer, a power amplifier, a transmitter, a receiver, a frequency converter, a modem, a security controller, and a network processor. (Col. 4 lines 59-31)

Regarding claim 37, Gaucher discloses the system recited in claim 14, wherein the security controller processes signals from a camera or another hub comprising a receiver and a transmitter. (Col. 5 lines 19-27)

Regarding claim 38, Gaucher discloses the system as recited in claim 13, wherein at least one of the first signal and the second signal are at a radio frequency between 0.5-100 MHz. (Col 4 lines 6-13)

Regarding claim 39, Gaucher discloses the system as recited in claim 13, wherein at least one of the first signal and the second signal includes information from at least one of a satellite television, a cable television, an Internet provider, a computing device, a phone provider, a DVD player, a television, a DSL and LAN. (Col. 4 lines 48-65)

Regarding claim 40, Gaucher discloses the system of claim 13, wherein the hub is connected to another hub by a hard wire or wirelessly. (Col. 4 lines 48-65)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 571-272-7859. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lewis G. West
Primary Examiner
Art Unit 2618

